

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PRUCO LIFE INSURANCE COMPANY,

Plaintiff,

v.

LINDA L. LOVE; TSIANINA B. MARTIN;
JESSICA M. RICHMOND; JACOB A.
MARTIN; A.L.S., minor; S.R.S, a minor;
SHAWNA L. SUCH, individually and in her
capacity as natural guardian of A.L.S. and
S.R.S., minors; CHLOE M. TOWNS; and
MARTHA D. TOWNS,

Defendants.

Civil Action No. 2:18-cv-01259-JEO

**ORDER APPOINTING GUARDIAN AD LITEM,
PERMITTING PRUCO TO DEPOSIT FUNDS PURSUANT TO FED. R. CIV. P. 67
AND GRANTING INTERPLEADER RELIEF**

This matter is before the Court upon the Joint Motion of the Parties for entry of an Order: (1) appointing Defendant Shawna L. Such as Guardian *ad litem* for the minor Defendants, A.L.S. and S.R.S., (2) directing Plaintiff, Pruco Life Insurance Company (“Pruco”), to deposit the annuity proceeds due under Annuity Number E1394584 (“Annuity”), issued by Pruco to Samuel R. Love, together with accrued claim interest, if any, with this Court pursuant to Federal Rule of Civil Procedure 67 and this Court’s General Order dated March 23, 2017, and (3) granting Pruco interpleader relief, discharging Pruco from any further liability with regard to the Death Benefit and the Annuity, and dismissing Pruco from this action with prejudice. (Doc. 21). The Court having considered the motion, it is **GRANTED**. Accordingly, it is hereby **ORDERED** as follows:

1. Shawna L. Such is hereby appointed guardian *ad litem* for the minors A.L.S. and S.R.S. with regard to the above-captioned matter.

2. Within twenty-one (21) days of Pruco's receipt of this Order, Pruco shall deposit with the Clerk of this Court the current death benefit payable under the Annuity as of the date of issuance of the check¹ (the "Death Benefit"), together with applicable claim interest, if any.

3. The Death Benefit as herein set forth shall be deposited by the Clerk into the Registry of this Court as soon as the business of this office allows, and the Clerk shall deposit these funds into the Court's Liquidity Fund.

4. The Death Benefit so invested in the Liquidity Fund shall remain on deposit until further notice of this Court.

5. Upon deposit of the current death benefit to the Clerk of the Court, Pruco shall be discharged from any and all liability to Linda L. Love ("Linda"), Tsianina B. Martin ("Tsianina"), Jessica M. Richmond ("Jessica"), Jacob A. Martin ("Jacob"), A.L.S., a minor, S.R.S., a minor, Shawna L. Such ("Shawna"), Chloe M. Towns ("Chloe"), and Martha D. Towns ("Martha"), relating to or arising out of the Annuity and/or the Death Benefit, and all claims, rights, interests and actions that Linda, Tsianina, Jessica, Jacob, A.L.S., S.R.S., Shawna, Chloe and Martha might otherwise have held against Pruco and its present and former parents, subsidiaries and affiliated corporations, predecessors, successors and assigns and their respective

¹ The amount of the death benefit payable under the Annuity is subject to fluctuation and the precise amount of the death benefit will not be known until a final check is issued for deposit into the Court. For reference, the death benefit payable would have been \$238,022.42 as of October 19, 2018.


officers, directors, agents, employees, representatives, attorneys, fiduciaries and administrators with respect to the Annuity and/or the Death Benefit are hereby released.

6. Linda, Tsianina, Jessica, Jacob, A.L.S., S.R.S., Shawna, Chloe and Martha are each permanently restrained and enjoined from instituting and/or prosecuting any suit, causes of action or civil proceedings in any forum, or making any further action or implied claims, demands, and/or causes of action, asserted or unasserted, liquidated or unliquidated, or bringing any proceeding in any forum, against Pruco arising out of, in connection with the Annuity and/or the Death Benefit due thereunder.

7. Upon deposit of the current death benefit with the Clerk of the Court, Pruco shall be dismissed from this action with prejudice and without costs and all complaints, claims, counterclaims, cross-complaints, and cross-claims against Pruco are hereby dismissed with prejudice.

8. The Court shall retain jurisdiction in this action for purposes of determining the rights of Linda, Tsianina, Jessica, Jacob, A.L.S., S.R.S., Shawna, Chloe and Martha to the Death Benefit to be deposited with the Court by Pruco in accordance with this Order.

DATED, this 30th day of October, 2018.

A handwritten signature in dark ink, appearing to read "John E. Ott", is written over a horizontal line.

JOHN E. OTT
Chief United States Magistrate Judge